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C O N F I D E N T I A L SECTION 01 OF 04 KHARTOUM 001051

SIPDIS

DEPARTMENT FOR A/S FRAZER, S/E WILLIAMSON, AND AF/SPG
NSC FOR PITTMAN AND HUDSON
ADDIS ABABA FOR USAU

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SUBJECT: SPLM/GOSS PLOT AND PLAN FOR WORST-CASE GNU
RESPONSE TO ICC INDICTMENTS

REF: A. KHARTOUM 1039

1B. KHARTOUM 1012

1C. KHARTOUM 996

1D. KHARTOUM 971

Classified By: CDA Alberto M. Fernandez, for reasons 1.4 (b) and (d)

11. (C) SUMMARY: The specter of an ICC indictment of President Bashir seems to have sent SPLM leadership circles in Juba into overdrive, spinning predictions of, and planning for, unrest and government reprisals. According to SPLM contacts, National Intelligence Security Services Chief Salah Ghosh requested SPLM assistance in halting anticipated NCP retaliations against the UN. Ghosh claims NCP hardliners are advocating measures ranging from expulsion of UNMIS and UNAMID to government-sponsored attacks on UN facilities. Threatening the "dismantling of Sudan,⁸ Bashir allegedly instructed Ghosh to prepare for a possible state of emergency and CPA abrogation. Other NCP leaders are looking for face-saving measures such as a Truth and Reconciliation Commission. The SPLM have entrusted their own NCP containment strategy to First Vice President Salva Kiir Mayardit, who is to meet with Bashir privately on Monday, July 14. Hedging their bets, however, the SPLM has formally repeated its request for USG assistance in securing a civil air defense system for Southern Sudan. The SPLM also provocatively requested USG intervention in shielding Darfuri IDPs from NCP retaliation. END SUMMARY.

GHOSH APPROACHES THE SPLM FOR ASSISTANCE

12. (C) The SPLM called a meeting of its Crisis Management Team (CMT) in Juba July 11-12 to develop an SPLM/GoSS response to the anticipated ICC indictment of President Omar al Bashir. Initially convened to discuss Bashir's alleged plans to strip GNU Cabinet Affairs Minister Pagan Amum of his immunity, the CMT agenda was modified significantly following NISS Chief Salah Ghosh's July 9 meeting with the SPLM. (Note: Although the SPLM is in crisis mode, operating on the assumption that Amum no longer has immunity, our information in Khartoum is that no decision has been taken to remove Amum's immunity nor to remove him from his post. Thus far, this has been just a media war with NCP officials demanding Amum's removal. End note.) Ghosh reportedly made two requests of the party: assist the NCP to secure a delay of the ICC announcement and to send First Vice President Salva Kiir Mayardit to press Bashir not to retaliate against the UN. Foreign Minister Deng Alor briefed ConGen PolOff about CMT discussions on July 12.

CRISIS MANAGEMENT TEAM MEETS

¶3. (C) Eleven SPLM officials, including First Vice President Salva Kiir Mayardit, Foreign Minister Deng Alor, Secretary General Pagan Amum, Deputy Secretary Generals Anne Itto and Yasir Arman, GoSS Minister for Legal Affairs Michael Makuei Lueth, GoSS Regional Cooperation Minister Barnaba Benjamin, Internal Affairs Minister Paul Mayom, ex-Regional Cooperation Minister (and National Liberation Council member) Nhial Deng Nhial, have met collectively and in smaller "crisis committees⁸ over the last 48 hours. Post believes GoSS Vice President Riek Machar, Minister for Presidential Affairs Luka Biong Deng and Agriculture Minister Samson Kwaje also attended. Blue Nile State Governor Malik Agar was unable to attend as a result of state-level commitments involving NCP Presidential Advisor Nafie Ali Nafie. SPLA Chief of General Staff Oyai Deng Ajak repeatedly was brought into the otherwise closed-door sessions throughout the weekend. First Vice President Salva Kiir traveled to Khartoum on July 13 to participate in the hastily-arranged emergency GNU Cabinet session, engage Bashir on Abyei, elections, the foreign exchange crisis, Amum's status, and the ICC.

NCP FLOATS AN 11TH HOUR DARFUR ROADMAP

¶4. (C) According to Alor, Ghosh met with the Foreign Minister, Amum, and Arman at SPLM Headquarters July 9 and requested the SPLM assist him in moderating Bashir's

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response. Earlier the same day, Presidential Advisor Mustafa Othman Ismail asked FonMin Alor to discuss with visiting UK Foreign Minister the possibility that Khartoum exchange an &enhanced Darfur political settlement roadmap⁸ for a delay of the ICC announcement by one month to one year (as UNSCR 1593 allows). Alor noted his skepticism to Ismail, arguing that the international community either wanted access granted to the ICC or credible legal action by Khartoum against Haroun, not more roadmap discussions. Alor told ConGen PolOff that the British reaction was similar to his own. (Note: SPLM officials presented similar information to CDA in Khartoum - Ref A. End note.) Arman told CDA Fernandez on July 13 that one element of a possible compromise would be the setting up of a Sudanese Truth and Reconciliation Commission, which is provided for in UNSCR 1593, and which would blunt the ICC's efforts. The SPLM has long sought this step for its own reasons.

POSSIBLE MEASURES AGAINST THE UN

¶5. (C) Ghosh reportedly maintained that NCP hardliners) specifically a faction led by traditionally mortal enemies Nafie Ali Nafie and Vice President Ali Osman Taha -- are pushing President Bashir to one of three responses to Monday's indictment: immediate expulsion from Sudan of both UNMIS and UNAMID forces and personnel; a systematic tightening of regulations to impede the speedy arrival of personnel, fuel, transport assets, and travel permits; or Government-backed direct actions against UN installations by militia or &martyr groups.⁸ With respect to the latter, Ghosh reportedly underscored he did not personally support such a course of action, noting &I,m not that religious.⁸ He also allowed that he has been instructed to prepare contingency planning for &the dismantling of the Sudanese state.⁸ Pressed for details by Deputy Secretary General Yasir Arman, Ghosh explained that this course would likely include re-imposition of a state of emergency, suspension of the Interim National Constitution, and &the Comprehensive Peace Agreement would disappear.⁸ (NOTE: According to Alor, Ghosh was unhappy with all of these options, and said Nafie

was &driving the country to the dogs.⁸ END NOTE.)

SPLM STRATEGY STILL EVOLVING

¶6. (C) Alor,s review of intra-SPLM discussions in the wake of the July 9 conversation made it clear the party is currently more focused on defending the GoSS and the CPA rather than any possible threats against the UN. Alor did not offer the SPLM,s position on any of the UN-specific scenarios Ghosh laid out until asked directly. Only then did the Foreign Minister admit that it was still under development. While emphasizing the evolving nature of the SPLM CMT discussions, Alor dismissed July 10 reports that the leadership had discussed either the SPLM,s withdrawal from or boycott of the GNU. He also said a unilateral declaration of independence is not on the table. &There are some within the GOSS and the party that support that, but none of us at the leadership level believe that it would be appropriate at this time,⁸ he said.

PROTECTING SOUTHERN SUDAN

¶7. (C) While the SPLM,s plans for responding to an ICC indictment remain embryonic, and its NCP containment strategy appears limited to Kiir,s July 14 meeting with Bashir, strategizing for the "protection of the South" has moved into high gear. Chief of General Staff Oyai Deng Ajak was asked to brief the assembled leadership on defensive military options) a discussion that came on the heels of a three-day internal assessment by the SPLA,s senior command of the military,s performance in Abyei, past operations against the LRA, recruitment options, and current force strength along the 1956 North/South border. Alor believes Kiir will mobilize the SPLA &on a precautionary basis⁸ in coming weeks.

¶8. (C) The CMT also examined GoSS finances) with dismal conclusions. Kiir directed the CMT to plan for a worst-case scenario that includes instability in the South,s oil-field

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areas and targeted bombing of and Khartoum-generated insurgencies in Wau, Malakal, and Juba. The CMT estimates that, should the NCP move to suspend the Interim National Constitution, Juba would need financial independence from Khartoum for a period of six months to one-year. Whereas Alor believes Khartoum has approximately \$13-14 billion in available reserves, the GoSS has funds to sustain operations only for three months. The Foreign Minister mentioned GoSS plans to approach &its friends⁸ for loans, but given &past discussions in Washington,⁸ does not expect American financial assistance. However, the Foreign Minister has asked for USG assistance in securing assistance from Norway, which the SPLM believes remains its best possibility for an expedient, and hefty, loan.

REQUEST FOR USG ASSISTANCE

¶8. (C) Foreign Minister Alor noted that Kiir has directed him to approach the USG for assistance in two specific areas following an ICC announcement. The protection of Darfur,s civilian and IDP population remains of paramount concern to the SPLM. &We are convinced that Bashir will go after them in retaliation,⁸ Alor said, and called for U.S. assistance in securing the camps either through a no-fly zone or by redeploying EUFOR from Eastern Chad to supplement what he believes will be a much-constrained AU/UN hybrid peacekeeping operation. Referring to the recent UN decision to place Darfur at a Level Four (emergency operations only) security posture, he commented that &already it is as if the Hybrid is not there.⁸ Alor noted that he would make a similar,

more pointed pitch to European diplomats on the grounds that since &they are pushing for the ICC to act, therefore they must help us manage the consequences.⁸

¶ 9. (C) Kiir also directed Alor to renew to Washington the GoSS request for assistance in securing a civil air defense system for the South (see reftel d). Alor reviewed past arguments for its necessity, contending that new infrastructure in former government-controlled garrison towns make for attractive bombing targets. He also underscored the fears of the South's IDP returnees. &With only even a few bombs dropped, they may never return again,⁸ he said.

POSSIBLE TIMELINES AND CONTINUED CAVEATS

¶ 10. (C) Alor acknowledged that the impact of the ICC indictment remains largely unpredictable. &We could see a Milosevic scenario,⁸ Alor noted almost wistfully, &with mass action brought about by a disaffected population in the North.⁸ Possible timelines for NCP action remain unknown, but the Foreign Minister believes plans would be operational within two months or less. While Secretary General Pagan Amum will remain in Juba pending clarification of the "immunity issue,⁸ party members will become more vocal in the media) if only to blunt what they predict will be a heavy media-blitz by Bashir himself. Asked whether he thought a coup was likely, he was non-committal, but noted that the SPLM would remain in close contact with its SAF contacts) some of whom, he claimed, are very receptive to possible SPLM leadership roles.

COMMENT

¶ 11. (C) The SPLM/GoSS seems convinced a major crisis is imminent, and is girding for the worst while plotting to take advantage of any opportunity that presents itself should the NCP be undermined. They will either support the NCP or help to subvert them depending on what seems like a probable outcome but in any case, the SPLM has its own regime change agenda. The fact that Northern leadership could fracture and fight among themselves is an eventuality that the SPLM has long dreamed of and would welcome. Their request to "protect IDPs" is more an effort to secure greater Western military intervention in Darfur that could somehow provide the last step needed to cause the edifice of NCP rule in Sudan to crumble - however, the brutal, ruthless NCP will have its hands full in the coming days and it is unlikely to target IDPs. It is more likely to have to defend itself from a

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Darfuri rebel offensive. As usual though, the SPLM's strategic vision is not matched by good planning on the ground - militarily, financially or politically. We will continue to urge caution, as the South is far from ready to operate on its own, and both North and South must consider continued oil-wealth sharing formulas regardless of what happens to the CPA. Although these worst-case scenarios are worth considering, we are not quite there yet.
FERNANDEZ